IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5824 of 2005

Between:

The Collector, Mahbubnagar.

..... PETITIONER

AND

Sri. N. S. Kodandi, Senior Assistant,
Office of the Mandal Revenue Officer,
Bomraspet, Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ Order or direction more particularly one in the nature of writ of " Certiorari and calling for the records relating to the order passed in O.A.No.680/95 dt. 23.10.2002 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent: None appeared.

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed by the Government assailing the order, dated 23.10.2002, passed by the A.P. Administrative Tribunal in O.A.No.680 of 1995.

2. The respondent was issued with a charge memo, dated 30.06.1993, alleging certain misconducts and ultimately he was imposed with the punishment order, dated 25.07.1994, directing him to remit a sum of Rs.7,759=40 ps failing which the said amount will be recovered from his salary. Assailing the said order, the respondent filed O.A. before the Tribunal.

3. The learned Tribunal found that the punishment imposed on the employee is a major punishment and the said punishment could not be imposed without following the procedure as laid down under A.P.C.S. (CC&A) Rules, and therefore, set aside the order of punishment, dated 25.07.1994.

4. Learned Government Pleader submits that the order of the Tribunal is not sustainable inasmuch as the explanation of the respondent was called for, and therefore, it needs the requirement of the rule.

5. We are unable to appreciate the contention raised by the learned Government Pleader.

6. Rule 20 contemplates the procedure for imposing the major punishment, and admittedly, in the instant case, no such procedure was followed, and therefore, we do not find flaw in the order passed by the Tribunal.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 22.03.2005

ES

To

1. The Collector, Mahbubnagar.

2. The Registrar, A.P. Administrative Tribunal, Hyderabad.

3. 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT)

4. 2 CD copies